

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LAMAR LENOIR, : Case No. 3:09-cv-286

Petitioner, : District Judge Walter H. Rice  
vs. : Magistrate Judge Michael J. Newman

WARDEN, SOUTHERN OHIO :  
CORRECTIONAL FACILITY,

Respondent. :

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**ORDER**

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This Court dismissed Petitioner's 28 U.S.C. § 2254 *habeas corpus* petition on March 30, 2012. Doc. 64. On the same day, the Court also denied his motion for an evidentiary hearing. Doc. 66.

Now Petitioner moves for leave to file a Fed. R. Civ. P. 60(b)(2) motion for relief from judgment denying him an evidentiary hearing based on newly discovered evidence. Doc. 72. Petitioner's motion is **DENIED AS MOOT** because leave is not required to file a Fed. R. Civ. P. 60(b)(2) motion.

On or before **July 5, 2012**, Petitioner is **ORDERED** to produce:

1. A copy of said "audio confession from the State's primary witness Kirby Peterson," doc. 72 at Page ID 2295; and
2. An affidavit explaining the circumstances in which Petitioner obtained said audio confession, including details such as when the audio recording was originally made; and when Petitioner was given the audio recording, and by whom.

June 4, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge